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Counsel for Defendant LILLY

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,) No. 4-06-70440 WDB
12 Plaintiff,)
13 vs.) STIPULATION AND ORDER
14 JEANNE LILLY,) CONTINUING DATE FOR PRELIMINARY
15 Defendant.) HEARING OR ARRAIGNMENT FOR
) JEANNE LILLY
) Current Date: September 7, 2006
) Requested Date: October 19, 2006

17 Jeanne Lilly is scheduled to appear for preliminary hearing or arraignment on September
18 7, 2006. The parties have reached a resolution of this matter, but the plea agreement must be
19 approved by Washington, D.C.. This approval process is generally slow, and approval will not
20 be obtained by September 7. Therefore, the parties stipulate and agree, and respectfully request,
21 that the date for preliminary hearing or arraignment be continued to October 19, 2006.

22 Ms. Lilly has a right under Federal Rule of Criminal Procedure 5.1 to a preliminary
23 hearing or indictment within 20 days. Ms. Lilly and counsel have discussed that right, and Ms.
24 Lilly desires to waive that right. Good cause for the extension exists because of the delay in
25 receiving approval for the plea agreement. In addition, Ms. Lilly has a right under 18 U.S.C. §
26 3161(b) to be indicted within thirty days. Ms. Lilly and counsel have discussed that right, and

1 Ms. Lilly desires to exclude time between September 7, 2006 and October 19, 2006 under 18
 2 U.S.C. § 3161(h)(8)(A) and (B)(iv) because of the delay in approval. In addition, counsel for
 3 Ms. Lilly will be out of town on September 28 and 29, out of the state from October 6 through
 4 the 13th, and has a Ninth Circuit argument on October 17. These scheduling issues will make
 5 counsel unavailable, and therefore provide another basis for excluding time. The parties
 6 stipulate that the ends of justice served by the granting of this continuance outweigh the best
 7 interests of the public and Ms. Lilly in a speedy indictment and trial.

8 SO STIPULATED.

/S/

9 Date: 9/05/06

Rebecca Silbert
 Assistant Federal Public Defender
 Counsel for Ms. Lilly

10
 11 Date: 9/06/06

George Bevan
 Assistant United States Attorney

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 13 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
 14 “conformed” signature (/S/) within this efiled document.

15 In light of the stipulation of the parties, and because of the counsel’s unavailability and
 16 the delay in the plea agreement, the Court HEREBY ORDERS that the date for preliminary
 17 hearing or arraignment, as applied to Jeanne Lilly, be continued to October 19, 2006. The Court
 18 further orders that time be excluded from September 7, 2006 to October 19, 2006, pursuant to 18
 19 U.S.C. § 3161(h)(8)(A) and (B)(iv), and finds that the ends of justice served by granting the
 20 continuance outweigh the best interests of the public and Ms. Lilly in a speedy indictment and
 21 trial. The Court further finds that the continuance is necessary for effective preparation of
 22 counsel because of the delay in the plea agreement, and for continuity of counsel because of
 23 counsel’s unavailability.

24 Dated: September 6, 2006

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Stip. to Continue PX to 10/19, 4-06-70440

